

**THURSDAY, MARCH 3, 1994**

**SEVENTIETH LEGISLATIVE DAY**

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Howard See, Expressway Church of Christ, Nashville, TN.

Representative McDaniel led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Duer; personal.

Representative Jackson; out-of-town.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 0486 -- Memorials, Congress -- Urges reconsideration and rescission of recreation user fees at facilities**

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on Dale Hollow Lake and other Tennessee lakes managed by U.S. Army Corps of Engineers. by \*Winningham.

Conservation and Environment Committee.

**\*House Joint Resolution No. 0487** -- Naming and Designating -- "Hartsook - Stout Armory," National Guard Armory, Loudon. by \*Gunnels.

State and Local Government Committee.

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for Monday, March 7, 1994:

**House Resolution No. 0141** -- Memorials, Professional Achievement -- Alfred E. Coleman, Assistant Principal of the Year. by \*Arriola.

**House Joint Resolution No. 0494** -- Memorials, Retirement -- Willie S. Ragland, Jr. by \*Windle.

**House Joint Resolution No. 0495** -- Memorials, Public Service -- Bobbi McGarity, Assistant Superintendent, Knox County schools. by \*Severance, \*Tindell, \*Armstrong, \*Ritchie, \*Peroulas Draper, \*Bittle, \*Boyer.

**House Joint Resolution No. 0496** -- Memorials, Sports -- Frankie "The Surgeon" Randall, World Boxing Council Superweight Champion. by \*Johnson, \*Armstrong, \*Givens.

**House Joint Resolution No. 0497** -- Memorials, Public Service -- James Kindle. by \*Cole Ronnie.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for Monday, March 7, 1994:

**Senate Joint Resolution No. 0326** -- Memorials, Professional Achievement -- Middle Tennessee State University Leadership Institute.

**Senate Joint Resolution No. 0329** -- Memorials, Interns -- Sarah Card, Senate page.

**Senate Joint Resolution No. 0331** -- Memorials, Recognition and Thanks -- Reverend Lexie Freeman.

**Senate Joint Resolution No. 0333** -- Memorials, Professional

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Achievement -- Ida Jones, doctoral recipient.

**Senate Joint Resolution No. 0345** -- Memorials, Professional Achievement -- Virginia Elliott, Certified Municipal Clerk.

**RESOLUTIONS LYING OVER**

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

**\*Senate Joint Resolution No. 0287** -- Naming and Designating -- Confirms action of state building commission in designating new state office building as "Tennessee Tower".

State and Local Government Committee.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 2868** -- Algood -- Changes date of election from June to November; extends term of mayor and council to November 1996 for mayor and two councilmen elected in June 1991, and to November 1998 for two councilmen elected in June 1993; requires popular approval. Amends Chapter 96, Private Acts of 1977. by \*Hargrove.

**House Bill No. 2869** -- Baxter -- Establishes regular August election beginning in August 1996 as regular city election date; creates four year terms for city officials. Amends Chapter 35, Private Acts of 1915, as amended. by \*Hargrove.

**House Bill No. 2870** -- Algood -- Changes name of Board of Mayor and Aldermen to Mayor and Council. Amends Chapter 69, Private Acts of 1977. by \*Hargrove.

**DELAYED BILLS REFERRED**

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 2873 and 2874, was/were referred to the Delayed Bills Committee.

**\*House Bill No. 2873** -- TennCare -- Makes any person eligible for TennCare Medicaid if eligible for social security disability benefits. Amends TCA, Title 71. by \*Robinson.

**\*House Bill No. 2874** -- Education -- Allows private schools to accrue time credit for bad weather by conducting classes more than 6 1/2 hours per day, on the same basis as public schools. Amends TCA 49-6-3004. by \*Garrett, \*Davidson.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 1349** -- Solid Waste Disposal -- Requires commissioner of health to hold a public hearing in the geographical area of a proposed landfill during evaluation period and prior to making a decision on application; requires commissioner to transcribe or record comments made at the hearing. Amends TCA 68-211-106. (HB 1328)

**\*Senate Bill No. 1756** -- Notary Public -- Makes notary public a notary at large without payment of additional fee or furnishing of additional bond. Amends TCA, Title 8. (HB 2082)

**\*Senate Bill No. 1882** -- Sunset Laws -- Board of social worker certification and licensure, June 30, 2002. Amends TCA, Title 4, Ch. 29; Title 63, Ch. 23. (HB 1969)

**\*Senate Bill No. 2187** -- Insurance Companies, Agents, Brokers -- Requires that insurance company calculate return premium on pro-rata basis when premium finance company requests cancellation due to non-payment. Amends TCA, Title 56. (hb 2781)

**\*Senate Bill No. 2440** -- Sunset Laws -- State certification commission, June 30, 2001. Amends TCA, Title 4, Ch. 29; Title 49, Ch. 5. (HB 2194)

**\*Senate Bill No. 2442** -- Sunset Laws -- Regional transportation authority, June 30, 1995. Amends TCA, Title 4, Ch. 29; Title 64, Ch. 8. (HB 2197)

**\*Senate Bill No. 2586** -- Correctional Programs -- Allows county legislative bodies to request department of correction to operate community corrections advisory program within counties not establishing own boards. Amends TCA, Title 40, Ch. 36. (HB 2500)

**\*Senate Bill No. 2621** -- Motor Vehicles -- Enacts "Tennessee Automobile Safety Act of 1994". Amends TCA 55-9-603, 604. (HB 2803)

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 2863** -- Oliver Springs -- Held on Clerk's desk pending approval by local delegation.

**House Bill No. 2865** -- Lafollette -- Held on Clerk's desk pending approval by local delegation.

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**House Bill No. 2867** -- Cookeville -- Held on Clerk's desk pending approval by local delegation.

**REPORTS FROM STANDING COMMITTEES**

The committees that met on Thursday, March 3, 1994, reported the following:

**COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the Regular Calendar for Wednesday, March 9, 1994: House Bill(s) No(s). 2454 and 2538.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, March 7, 1994: House Bill(s) No(s). 2543.

**CONSENT CALENDAR**

**House Resolution No. 0138** -- Memorials, Sports -- Coach Guy Buchanan, TSSAA Hall of Fame.

**House Joint Resolution No. 0485** -- Memorials, Recognition and Thanks -- Pastor Bill Adkins.

**House Joint Resolution No. 0489** -- Memorials, Sports -- Robert Polston, TSSAA Hall of Fame.

**House Joint Resolution No. 0490** -- Memorials, Public Service -- Employees of the Jamestown Service Area of the Volunteer Electric Cooperative.

**House Joint Resolution No. 0491** -- Memorials, Public Service -- Employees of Wartburg District Office of the Plateau Electric Cooperative.

**Senate Joint Resolution No. 0340** -- Memorials, Recognition and Thanks -- William Waller Henry, Senate Commerce, Labor and Agriculture Committee.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

### REGULAR CALENDAR

**\*House Bill No. 1767** -- Motor Vehicles, Titling and Registration -- Authorizes special license plate for Army National Guard retirees. Amends TCA, Title 55, Ch. 4, Pt. 2.

Further consideration of House Bill No. 1767, previously considered on February 23, 1994, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for March 3, 1994.

On motion, House Bill No. 1767 was made to conform with **Senate Bill No. 1857**; the Senate Bill was substituted for the House Bill.

Rep. Rigsby moved that **Senate Bill No. 1857** be passed on third and final consideration.

Rep. Rigsby moved to adopt Amendment No. 1 as follows:

#### Amendment No. 1

AMEND Senate Bill No. 1857 by deleting from the amendatory language of Section 1 the word "Army".

AND FURTHER AMEND by deleting from the amendatory language in Section 4 the word "Army", wherever it is found.

On motion, Amendment No. 1 was adopted.

Rep. Rigsby moved that **Senate Bill No. 1857**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to aye on Senate Bill 1857 and have this statement entered in the Journal: Rep(s). Ridgeway.

#### REGULAR CALENDAR, CONTINUED

House Bill No. 2005 -- Municipal Government -- Requires municipal clerk or recorder to obtain certification for professional standards from secretary of state. Amends TCA, Title 6, Ch. 54, Pt. 1.

Further consideration of House Bill No. 2005, previously considered on February 24, 1994, at which time the House adopted Amendments Nos. 1, as amended, 2 and 3; the bill was then reset to the Calendar for March 3, 1994.

Rep. Fowlkes moved that House Bill No. 2005 be passed on third and final consideration.

Rep. Coffey moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Crain moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Herron moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Fowlkes moved to adopt Amendment No. 7 as follows:

Amendment No. 7

Amend House Bill No. 2005 by adding the following language to the end of Section 1 as new, appropriately designated subsections:

( ) Any courses offered in conjunction with the University of Tennessee Municipal Technical Advisory Service and Center for Government Training shall be offered in each grand division of the state.

( ) Hours of training may be earned toward certification by using self-teaching computer programs as approved by the secretary of state.

( ) The provisions of this act shall be optional for any municipality having a population of less than one thousand five hundred (1,500), according to the 1990 federal census or any subsequent federal census. Any such municipality may by ordinance require its recorder and/or clerk to obtain certification as required by this act.

On motion, Amendment No. 7 was adopted.

Rep. Fowlkes moved that **House Bill No. 2005**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	90
Noes. . . . .	1
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Shirley -- 1.

Representatives present and not voting were: Collier, Venable -- 2.

A motion to reconsider was tabled.



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**House Bill No. 2001** -- Utilities, Utility Districts -- Provides for promulgation of rules by commissioners of Sunbright Utility District for terms of office, vacancies and election by customers. Amends TCA, Title 7, Ch. 82.

Further consideration of **House Bill No. 2001**, previously considered on February 28, 1994, at which time it was reset to the Calendar for March 3, 1994.

Rep. Windle moved that **House Bill No. 2001** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**\*House Bill No. 2366** -- General Assembly -- Extends select oversight committee on corrections for four years; authorizes performance evaluation of committee by comptroller. Amends TCA 3-15-109.

On motion, **House Bill No. 2366** was made to conform with **Senate Bill No. 2570**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that **Senate Bill No. 2570** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson,

Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 2493** -- Medical Occupations -- Authorizes board of medical examiners to issue and regulate licenses. Amends TCA, Title 63, Ch. 6.

On motion, House Bill No. 2493 was made to conform with **Senate Bill No. 2254**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that **Senate Bill No. 2254** be passed on third and final consideration.

Rep. Rhinehart moved to adopt Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill 2254 by deleting the language "Section 207" from the directory language of the original Section 2 and by substituting instead the language "Section 63-6-207".

AND FURTHER AMEND by deleting the language "medical students" in the first sentence of the amendatory paragraph (e) in the original Section 2 and by substituting instead the language "medical interns, residents and fellows".

AND FURTHER AMEND by deleting the language "approved by the American Medical Association" in subdivision (1) of the amendatory paragraph (e) in the original Section 2.

AND FURTHER AMEND by deleting the figure "63-6-214(c)(2) in the original Section 4 and by substituting instead the figure "63-6-211(c)(3)".

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that **Senate Bill No. 2254**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

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Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 2460** -- Nurses, Nursing -- Corrects repealed TCA references relating to conditions on drug prescriptions by nurse practitioners. Amends TCA 53-10-104.

On motion, House Bill No. 2460 was made to conform with **Senate Bill No. 2021**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that **Senate Bill No. 2021** be passed on third and final consideration.

Rep. DeBerry moved the previous question, which motion failed by the following vote:

Ayes. . . . .	30
Noes. . . . .	57
Present and not voting. . . . .	2

Representatives voting aye were: Bragg, Brooks, Brown, Chumney, Clark, Crain, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Givens, Herron, Jones R (Shelby), Jones U (Shelby), Kisber, Love, Miller, Odom, Phelan, Phillips, Pruitt, Purcell, Ritchie, Robinson, Thompson, Turner (Hamilton), Turner (Shelby), West, Williams (Williamson) -- 30.

Representatives voting no were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Buck, Byrd, Callicott, Chiles, Coffey, Cole (Carter), Cole (Dyer), Collier, Davidson, Davis, Garrett, Gunnels, Haley, Halteman Harwell, Hassell, Haun, Head, Hillis, Johnson, Joyce, Kent, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Mires, Napier, Owenby, Peroulas Draper, Pinion, Ramsey, Rhinehart, Ridgeway, Rigsby, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Venable, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood -- 57.

Representatives present and not voting were: Kernell, Rinks -- 2.

Rep. Wood moved to adopt Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 2021 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 53-10-104, is amended by adding the following language as a new, appropriately designated subsection:

( ) Under no circumstances shall a nurse practitioner who has met the additional requirements of §63-7-207(14) to write and sign prescriptions and/or issue drugs nor a physician assistant working under a physician's supervision be delegated the authority to prescribe drugs which involve the following:

(A) the writing or signing a prescription for any drug or medication; or

(B) the dispensing or administration of any prescribed or legend drug or medication; or

(C) the performing of any procedure which involves the use of a legend drug or medication.

whose sole purpose is to cause or perform an abortion.

Rep. Turner (Hamilton) moved to reset Senate Bill No. 2021 to the Calendar for Monday, March 7, 1994.

Rep. Rhinehart moved to table the motion to reset, which motion prevailed.

Rep. Odom moved to re-refer Senate Bill No. 2021 to the Health and Human Resources Committee.

Rep. Rhinehart moved to table the motion to re-refer, which motion prevailed by the following vote:

Ayes. . . . .	65
Noes. . . . .	23
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Bell, Bittle, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Haun, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Joyce, Liles, McAfee, McDaniel, McKee, Meyer, Mires, Napier, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance,

Shirley, Stamps, Stockburger, Stulce, Tindeil, Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood -- 65.

Representatives voting no were: Armstrong, Arriola, Bragg, Brooks, Brown, Chumney, Cole (Carter), DeBerry, Dixon, Hargrove, Kent, Kernell, Knight, Lewis, Love, Miller, Odom, Peroulas Draper, Pruitt, Purcell, Thompson, Turner (Hamilton), Turner (Shelby) -- 23.

Representatives present and not voting were: Owenby -- 1.

Rep. Wood moved to adopt Amendment No. 2 as follows:

**Amendment No. 2**

Amend Senate Bill No. 2021 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 53-10-104, is amended by adding the following language as a new, appropriately designated subsection:

( ) Under no circumstances shall a nurse practitioner who has met the additional requirements of §63-7-207(14) to write and sign prescriptions and/or issue drugs nor a physician assistant working under a physician's supervision be delegated the authority to prescribe drugs which involve the following:

(A) the writing or signing a prescription for any drug or medication; or

(B) the dispensing or administration of any prescribed or legend drug or medication; or

(C) the performing of any procedure which involves the use of a legend drug or medication

whose sole purpose is to cause or perform an abortion.

Rep. Wood moved to substitute Amendment No. 2 for Amendment No. 1, which motion prevailed.

Rep. Wood moved to withdraw Amendment No. 1, which motion prevailed.

Rep. Chumney moved that Amendment No. 2 be tabled, which motion failed.

Rep. Severance moved the previous question, which motion prevailed.

On motion, Amendment No. 2 was adopted, with Reps. Odom and Turner (Hamilton) requesting to be recorded as voting no.

Rep. Purcell moved the previous question, which motion prevailed.

**Senate Bill No. 2021**, as amended, passed on third and final consideration by the following vote:

Ayes. . . . .	87
Noes. . . . .	4
Present and not voting. . . . .	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Brooks, Chumney, Odom, Turner (Shelby) -- 4.

Representatives present and not voting were: Brown, DeBerry, Head -- 3.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from present not voting to aye on **Senate Bill No. 2021** and have this statement entered in the Journal: Rep(s). Dixon.

#### REGULAR CALENDAR, CONTINUED

**House Bill No. 2749** -- Criminal Offenses -- Expands scope of introduction or possession of contraband into penal institution to include public or private facility. Amends TCA, Title 39, Ch. 16, Pt. 2.

On motion, House Bill No. 2749 was made to conform with **Senate Bill No. 2743**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that **Senate Bill No. 2743** be passed on third

and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 2354 -- Physicians and Surgeons --** Permits employment relationship between hospital and physician in restricted circumstances. Amends TCA 63-6-204, 225; Title 68, Ch. 11.

Rep. Purcell requested that House Bill No. 2354 be moved down 6 places on the Calendar.

**House Bill No. 2747 -- Courts, Criminal Appeal --** Expands jurisdiction to include cases where sole issue is constitutionality of statute or ordinance. Amends TCA 16-5-108.

On motion, House Bill No. 2747 was made to conform with **Senate Bill No. 1805**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that **Senate Bill No. 1805** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller,

**THURSDAY, MARCH 3, 1994 -- SEVENTIETH LEGISLATIVE DAY**

Mires, Moore, Napier, Odom, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 2321 -- Marriage --** Allows former and present general sessions judges to solemnize marriage. Amends TCA, Title 36, Ch. 3.

On motion, House Bill No. 2321 was made to conform with **Senate Bill No. 2109**; the Senate Bill was substituted for the House Bill.

Rep. Garrett moved that **Senate Bill No. 2109** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	90
Noes. . . . .	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stamps, Stockburger, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Ramsey, Ritchie, Stulce -- 3.

A motion to reconsider was tabled.

**House Bill No. 2247 -- Firearms and Ammunition --** Prohibits sale of confiscated weapons by law enforcement agencies. Amends TCA 39-17-1317, 1318.

Rep. Kisber requested that House Bill No. 2247 be moved to the heel of the Calendar.

**House Bill No. 2365 -- Motor Vehicles, Titling and Registration --** Conforms to Class 10 vehicle classification, gross weight of



freight motor vehicles hauling natural resources products registering as Class 10 vehicle by changing present weight of 73,280 to 74,000 pounds. Amends TCA 55-4-124.

Rep. Robinson (Davidson) moved that **House Bill No. 2365** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Brown, Shirley -- 2.

A motion to reconsider was tabled.

**House Bill No. 2830** -- Custody and Support -- Permits alimony in futuro to end upon remarriage. Amends TCA 36-5-101.

On motion, House Bill No. 2830 was made to conform with **Senate Bill No. 2725**; the Senate Bill was substituted for the House Bill.

Rep. Robinson (Davidson) requested that Senate Bill No. 2725 be moved down 3 places on the Calendar.

**House Bill No. 1807** -- Marriage -- Requires both applicants for marriage license to appear before county clerk and the application must contain social security number of both applicants and be sworn to by both applicants. Amends TCA 36-3-104.

On motion, House Bill No. 1807 was made to conform with **Senate Bill No. 1979**; the Senate Bill was substituted for the House Bill.

Rep. Wood moved that **Senate Bill No. 1979** be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 1979 by deleting from subdivision (1) of the amendatory language of Section 1 the language "names, ages, addresses, and social security numbers" and by substituting instead the language "names, ages, and address".

Rep. Buck moved to amend as follows:

Amendment No. 1 to Amendment No. 1

Amend Senate Bill No. 1979 by deleting from the last sentence of Section 1 the language "social security number".

Rep. Buck requested that Senate Bill No. 1979 be moved down 5 places on the Calendar.

House Bill No. 2354 -- Physicians and Surgeons -- Permits employment relationship between hospital and physician in restricted circumstances. Amends TCA 63-6-204, 225; Title 68, Ch. 11.

Further consideration of House Bill No. 2354, previously considered on today's Calendar.

Rep. Purcell requested that House Bill No. 2354 be moved to the heel of the Calendar.

\*House Bill No. 2536 -- Civil Service -- Adds surviving spouse of veteran who died in military service to eligibility list for preference points on career service examinations. Amends TCA 8-30-306.

On motion, House Bill No. 2536 was made to conform with Senate Bill No. 2814; the Senate Bill was substituted for the House Bill.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Hargrove moved that Senate Bill No. 2814 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	0

**THURSDAY, MARCH 3, 1994 -- SEVENTIETH LEGISLATIVE DAY**

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 2814 and have this statement entered in the Journal: Rep(s). Thompson.

**REGULAR CALENDAR, CONTINUED**

**\*Senate Bill No. 2725 -- Custody and Support --** Permits alimony in futuro to end upon remarriage. Amends TCA 36-5-101.

Further consideration of Senate Bill No. 2725, previously considered on today's Calendar.

Rep. Robinson requested that Senate Bill No. 2725 be moved down 3 places on the Calendar.

**MESSAGE FROM THE SENATE**

**March 3, 1994**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bill(s) No(s). 1940 and 2437; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 1940 -- Taxes, Real Property --** Exempts from property tax property used for housing low income persons with disabilities, elderly or handicapped persons, financed by grant under Section 811 or 211 of National Affordable Housing Act [42 U.S.C. 8013, 12741] by Tennessee nonprofit corporations. Amends TCA 67-5-207. by \*Harper.

**\*Senate Bill No. 2437 -- Publications, State --** Permits secretary of state to set fees charged for publication of acts and

pamphlets, provided fee does not exceed printing cost, instead of requiring charge to be \$5.00. Amends TCA, Title 12. by \*Crutchfield.

# REGULAR CALENDAR, CONTINUED

**House Bill No. 2742** -- Publications, State -- Permits secretary of state to set fees charged for publication of acts and pamphlets, provided fee does not exceed printing cost, instead of requiring charge to be \$5.00. Amends TCA, Title 12.

On motion, House Bill No. 2742 was made to conform with **Senate Bill No. 2437**; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that **Senate Bill No. 2437** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**\*Senate Bill No. 1979** -- Marriage -- Requires both applicants for marriage license to appear before county clerk and the application must contain social security number of both applicants and be sworn to by both applicants. Amends TCA 36-3-104.

Further consideration of **Senate Bill No. 1979**, previously considered on today's Calendar.

Rep. Wood requested that **Senate Bill No. 1979** be moved to the heel of the Calendar.

**\*House Bill No. 2532** -- Mental Health and Mental Retardation, Dept. of -- Gives commissioner authority to suspend admission to or suspend, revoke or deny licenses at certain facilities. Amends TCA, Title 33, Ch. 2, Pt. 5.

Rep. Hargrove moved that House Bill No. 2532 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 2532 by inserting the following language between the first and second sentences of the amendatory language of Section 1:

Such suspension of admissions must not exceed a period of one hundred twenty days (120), provided that at the discretion of the commissioner such period may be extended for an additional period not to exceed one hundred twenty (120) days.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that House Bill No. 2532, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**  
**March 3, 1994**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 349; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 0349 -- Memorials, Recognition and Thanks -- Welcomes U.S. Naval Academy Men's Glee Club. by \*Womack.

**RULES SUSPENDED**

Rep. Bragg moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 349 out of order, which motion prevailed.

Senate Joint Resolution No. 0349 -- Memorials, Recognition and Thanks -- Welcomes U.S. Naval Academy Men's Glee Club.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Bragg, the resolution was concurred in.

A motion to reconsider was tabled.

**REGULAR CALENDAR, CONTINUED**

\*Senate Bill No. 2725 -- Custody and Support -- Permits alimony in futuro to end upon remarriage. Amends TCA 36-5-101.

Further consideration of Senate Bill No. 2725, previously considered on today's Calendar.

Rep. Robinson (Davidson) moved that Senate Bill No. 2725 be passed on third and final consideration.

Rep. Herron moved to adopt Amendment No. 1 as follows:

**Amendment No. 1**

Amend Senate Bill No. 2725 by adding the following language at the end of the first sentence of Section 1:

unless otherwise specifically provided in the divorce decree or marital dissolution agreement.

On motion, Amendment No. 1 was adopted.

Rep. Robinson moved that Senate Bill No. 2725, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier,

Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**\*House Bill No. 2530 -- Mental Health and Mental Retardation.** Dept. of -- Allows superintendent to oversee, maintain or transfer patient's records to any accurate recording medium that assures preservation; authorizes patient's records to be disclosed as necessary to assure care by least drastic means is suitable to person's liberty and interests. Amends TCA 33-3-104.

On motion, House Bill No. 2530 was made to conform with **Senate Bill No. 2809**; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that **Senate Bill No. 2809** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 2531 -- Mental Illness --** Redefines "family member with a severe disability" to include persons with mental or physical impairment. Amends TCA 33-5-402.

Rep. Hargrove moved that House Bill No. 2531 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

#### CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

#### REGULAR CALENDAR, CONTINUED

House Bill No. 2241 -- Taxes, Sales -- Exempts from sales taxes used clothing sold by nonprofit, charitable institutions. Amends TCA, Title 67, Ch. 6, Pt. 3.

On motion, House Bill No. 2241 was made to conform with Senate Bill No. 2015; the Senate Bill was substituted for the House Bill.

Rep. Coffey moved that Senate Bill No. 2015 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Coffey requested that Senate Bill 2015 be moved to the heel of the Calendar.

\*House Bill No. 2707 -- Highway Signs -- "James A. 'Jimmie' Peeler, Jr. Memorial Highway," segment of S.R. 59, Tipton County.

On motion, House Bill No. 2707 was made to conform with Senate Bill No. 2644; the Senate Bill was substituted for the House Bill.



Rep. Crain moved that **Senate Bill No. 2644** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 2123 -- Purchasing --** Authorizes municipalities to purchase supplies and equipment at public auctions without public advertisement and competitive bidding. Amends TCA, Title 12, Ch. 3, Pt. 10.

On motion, House Bill No. 2123 was made to conform with **Senate Bill No. 2452**; the Senate Bill was substituted for the House Bill.

Rep. Gunnels moved that **Senate Bill No. 2452** be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

#### Amendment No. 1

AMEND Senate Bill No. 2452 by inserting the words "or county" immediately after the word "municipality" in the amendatory language of Section 1.

AND FURTHER AMEND by inserting the language "or any other law," in the amendatory language of Section 1 between the word and punctuation "charter," and the words "any municipality".

On motion, Amendment No. 1 was adopted.

Rep. Gunnels requested that Senate Bill No. 2452 be moved down 5 places on the Calendar.

**\*House Bill No. 1112** -- Vocational Training and Rehabilitation -- Creates six year membership term on Tennessee council for vocational technical education; creates method for designation of fiscal agent. Amends TCA, Title 49, Ch. 11, Pt. 2.

Rep. Davidson moved that **House Bill No. 1112** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 2236** -- Taxes, Real Property -- Exempts from property tax property used for housing low income persons with disabilities, elderly or handicapped persons, financed by grant under Section 811 or 211 of National Affordable Housing Act [42 U.S.C. 8013, 12741] by Tennessee nonprofit corporations. Amends TCA 67-5-207.

On motion, **House Bill No. 2236** was made to conform with **Senate Bill No. 1940**; the Senate Bill was substituted for the House Bill.

Rep. Love moved that **Senate Bill No. 1940** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore,

Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**House Bill No. 2247** -- Firearms and Ammunition -- Prohibits sale of confiscated weapons by law enforcement agencies. Amends TCA 39-17-1317, 1318.

Further consideration of House Bill No. 2247, previously considered on today's Calendar.

Rep. Kisber moved that House Bill No. 2247 be reset two weeks to the Calendar for Thursday, March 17, 1994, which motion prevailed.

**House Bill No. 2354** -- Physicians and Surgeons -- Permits employment relationship between hospital and physician in restricted circumstances. Amends TCA 63-6-204, 225; Title 68, Ch. 11.

Rep. Purcell moved that House Bill No. 2354 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2354 by deleting Sections 1 through 4 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-6-204, is amended by adding the following as a new appropriately designated subsection:

( )(1) Notwithstanding any other provision of law, a person, corporation, organization, or other entity, may employ directly or indirectly a physician provided that the employment relationship between the physician and the person, corporation, organization, or other entity is evidenced by a written contract containing language which does not restrict the physician from exercising independent medical judgment in diagnosing and treating patients. Notwithstanding anything to the contrary herein, physicians in an employment relationship shall not be required to make referrals that are adverse to the patient's care and treatment. Under this section such person, corporation, organization, or other entity shall not be deemed to be engaged in the practice of medicine.

(2) Nothing under this section, or under Title 63 or 68, shall be construed as authorizing health care facilities licensed in this state to substitute physician employment contracts for medical staff privileges, or the due process protections attendant thereto pursuant to the Health Care Quality Improvement Act of 1986 (42 U.S.C. §§11101, et seq.), unless otherwise expressly agreed to in a physician employment contract that satisfies the following standards:

(A) The agreement establishes a bona fide employment relationship, as defined in 26 U.S.C. 3121(d)(2) of the Internal Revenue Code.

(B) The agreement is set out in writing and signed by the parties.

(C) The agreement specifies the services to be provided by the physician.

(D) The term of the agreement is for not less than one (1) year.

(E) The aggregate compensation paid to the physician over the term of the agreement is set in advance, is consistent with fair market value in arms-length transactions and is not determined in a manner that takes into account the volume or value of any referrals by the physician.

(3) Nothing in this section removes the responsibility of a physician to comply with the licensure laws of this title.

(4) Any employer of a physician, surgeon, or other licensed practitioner shall hold in confidence and not disclose confidential information pertaining to a patient's diagnosis, treatment, or health, except upon the patient's request or consent or when disclosure is otherwise permitted or required by law.

(5) An employer of a physician shall not discriminate on the basis of race, sex, national origin, or physical disability.

SECTION 2. Tennessee Code Annotated, Section 63-6-225, is amended by deleting the period "." which appears at the end of subsection (a) and substituting instead a semicolon ";" and by adding the following new language:

provided, however, compensation to a physician pursuant to any employment or other contractual agreement or arrangement between the physician and a

person, corporation, organization, or other entity that does not constitute the practice of medicine under Section 63-6-204 shall not constitute, or be deemed to constitute, the division of fees under this section.

SECTION 3. Tennessee Code Annotated, Section 68-11-205, is amended by adding the following language:

; provided, however, nothing herein shall prohibit a hospital licensed under this part, or a parent, subsidiary, or sister corporation thereof, from employing a physician in accordance with Section 63-6-204.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Dixon moved to amend as follows:

Amendment No. 1 to Amendment No. 1

AMEND House Bill No. 2354 by deleting from the first sentence of subdivision (1) of Section 1 the language "which does not restrict the physician" and by substituting instead the following:

which does not unreasonably restrict the physician from maintaining medical staff privileges at or admitting patients in other area hospital facilities, or

AND FURTHER AMEND by adding the following language at the end of subdivision (1) of Section 1:

In those instances wherein hospitals employ directly or indirectly physicians pursuant to this section, the hospitals shall not limit membership in their medical staffs to directly or indirectly employed physicians; nor shall restrictions on medical staff membership unreasonably impair otherwise qualified practitioners from gaining or maintaining membership if the impact of said restrictions is to prevent the diversity of the community served from being reflected by the medical staff make-up.

AND FURTHER AMEND by deleting subdivision (2)(E) from Section 1 in its entirety, and by substituting instead the following language:

(E) The compensation paid to the physician is consistent with fair market value in arms-length transactions and is not determined in a manner that takes into account the volume or value of any referrals by the physician; provided, however, this standard shall not preclude the payment of remuneration in the form of a

productivity bonus, as permitted by federal law, based on services performed or supervised by the physician or provided incident to such services.

On motion, Amendment No. 1 to Amendment No.1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

Rep. Buck requested that Amendment No. 2 be moved to the heel of the Amendments.

Rep. Westmoreland moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Buck requested that Amendment No. 4 be moved to the heel of the Amendments.

Rep. Buck moved to adopt Amendment No. 5 as follows:

**Amendment No. 5**

Amend House Bill No. 2354 by adding the following new subpart to the subsection added by the amendatory language of Section 1:

( ) Nothing in this act shall be construed to prohibit a court having jurisdiction in a workers' compensation case from ordering available treatment of a claimant by a physician who is not in an employment relationship as defined by this subsection. If the physician is an employee of the same employer as the injured employee and such physician is on the list of three (3) attending physicians as provided by law, the injured employee, prior to selecting an attending physician, shall be given adequate notice of the physician on the list who has an employment relationship with such employer.

On motion, Amendment No. 5 was adopted.

Rep. Buck moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Buck moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Williams (Shelby) moved to adopt Amendment No. 6 as follows:

**Amendment No. 6**

Amend House Bill No. 2354 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. A physician who is employed by a hospital, parent, subsidiary, or sister corporation has an affirmative duty to notify a patient of such employment relationship if the physician is not treating the patient on the site of the hospital, parent, subsidiary, or sister corporation.

Rep. Dixon moved that Amendment No. 6 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	58
Noes. . . . .	30
Present and not voting. . . . .	1

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bragg, Byrd, Chiles, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Halteman Harwell, Hargrove, Head, Hillis, Johnson, Jones U (Shelby), Kent, Lewis, Love, McAfee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 58.

Representatives voting no were: Allen, Anderson, Brown, Buck, Callicott, Chumney, Givens, Gunnels, Haley, Hassell, Haun, Herron, Huskey, Jones R (Shelby), Joyce, Kisber, Liles, McDaniel, Peroulas Draper, Ramsey, Ritchie, Stamps, Stockburger, Thompson, Venable, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Wood -- 30.

Representatives present and not voting were: Brooks -- 1.

Rep. Purcell moved that House Bill No. 2354, as amended, be passed on third and final consideration.

Rep. Herron moved to reset House Bill No. 2354 to the Calendar for Monday, March 7, 1994.

Rep. Rhinehart moved to table the motion to reset, which motion prevailed by the following vote:

Ayes. . . . .	65
Noes. . . . .	21
Present and not voting. . . . .	2

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Byrd, Chiles, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, Dixon, Ferguson, Fisher, Fowlkes, Gunnels, Halteman Harwell, Hargrove, Haun, Hillis, Huskey, Johnson, Jones U (Shelby), Joyce, Kent, Lewis, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Stulce,

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Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Whitson, Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 65.

Representatives voting no were: Allen, Brooks, Brown, Buck, Callicott, Chumney, Givens, Haley, Hassell, Herron, Jones R (Shelby), Kernell, Liles, Meyer, Stamps, Stockburger, Thompson, West, Westmoreland, Williams (Shelby), Williams (Union) -- 21.

Representatives present and not voting were: Collier, Ritchie -- 2.

Rep. Rhinehart moved the previous question, which motion prevailed.

House Bill No. 2354, as amended, passed on third and final consideration by the following vote:

Ayes. . . . .	80
Noes. . . . .	9
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Allen, Brooks, Brown, Buck, Givens, Liles, Meyer, Westmoreland, Williams (Shelby) -- 9.

Representatives present and not voting were: Thompson -- 1.

A motion to reconsider was tabled.

**\*Senate Bill No. 1979 -- Marriage --** Requires both applicants for marriage license to appear before county clerk and the application must contain social security number of both applicants and be sworn to by both applicants. Amends TCA 36-3-104.

Further consideration of Senate Bill No. 1979, previously considered on today's Calendar.

Rep. Buck renewed the motion to adopt Amendment No. 1 to Amendment No. 1, which motion prevailed.

On motion, Amendment No. 1, as amended, was adopted.



On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

Rep. Kernell moved to adopt Amendment No. 3 as follows:

**Amendment No. 3**

Amend Senate Bill No. 1979 by adding at the end of Section 1 the following:

If a person has a disability which prevents such person from appearing, such person may submit a notarized statement containing such person's name, age, current address, and a name and address of guardian or next of kin.

On motion, Amendment No. 3 was adopted.

Rep. Wood moved that **Senate Bill No. 1979**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

**Senate Bill No. 2452 -- Purchasing --** Authorizes municipalities to purchase supplies and equipment at public auctions without public advertisement and competitive bidding. Amends TCA, Title 12, Ch. 3, Pt. 10.

Further consideration of Senate Bill No. 2452, previously considered on today's Calendar.

Rep. Gunnels moved that Senate Bill No. 2452 be reset to the Calendar for Wednesday, March 9, 1994, which motion prevailed.

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**\*Senate Bill No. 2015** -- Taxes, Sales -- Exempts from sales taxes used clothing sold by nonprofit, charitable institutions. Amends TCA, Title 67, Ch. 6, Pt. 3.

Further consideration of Senate Bill No. 2015, previously considered on today's Calendar.

Rep. Coffey moved that Senate Bill No. 2015 be reset to the Calendar for Monday, March 7, 1994, which motion prevailed.

**MESSAGE CALENDAR**

**HOUSE ACTION ON SENATE MESSAGE**

**House Bill No. 0933** -- District Attorneys -- Creates one additional position of criminal investigator for eighth judicial district. Amends TCA, Title 16, Ch. 2, Pt. 5.

Rep. Winningham moved that House Bill No. 933 be reset two weeks to the Message Calendar for Wednesday, March 17, 1994, which motion prevailed.

**UNFINISHED BUSINESS**

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to Rule No. 59, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Monday, March 7, 1994:

**House Bill No. 1866:** Rep. Rhinehart.

**REQUEST TO CHANGE VOTE**

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from aye to no on House Bill No. 2354 and have this statement entered in the Journal: Rep. Bell.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 723:** Rep(s). Head as prime sponsor(s).

**House Bill No. 816:** Rep(s). Stamps as prime sponsor(s).

**House Bill No. 1768:** Rep(s). Peroulas Draper as prime sponsor(s).

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**House Bill No. 1880:** Rep(s). Knight as prime sponsor(s).

**House Bill No. 1928:** Rep(s). Bell as prime sponsor(s).

**House Bill No. 2032:** Rep(s). Liles and Mires as prime sponsor(s).

**House Bill No. 2144:** Rep(s). Buck as prime sponsor(s).

**House Bill No. 2173:** Rep(s). Pruitt as prime sponsor(s).

**House Bill No. 2231:** Rep(s). Peroulas Draper as prime sponsor(s).

**House Bill No. 2258:** Rep(s). Kisber as prime sponsor(s).

**House Bill No. 2388:** Rep(s). Boyer as prime sponsor(s).

**House Bill No. 2504:** Rep(s). Turner (Hamilton) as prime sponsor(s).

**House Bill No. 2526:** Rep(s). Ramsey as prime sponsor(s).

**House Bill No. 2531:** Rep(s). Turner (Hamilton) as prime sponsor(s).

**House Bill No. 2681:** Rep(s). Johnson and Rigsby as prime sponsor(s).

**House Bill No. 2684:** Rep(s). Knight as prime sponsor(s).

**House Bill No. 2707:** Rep(s). Fisher as prime sponsor(s).

**House Bill No. 2830:** Rep(s). Herron as prime sponsor(s).

**REQUEST TO BE ADDED AS SPONSOR**

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage/adoption of said bill/resolution:

**House Bill No. 2103:** Rep(s). Pruitt.

**SIGNED**  
**March 3, 1994**

The Speaker signed the following: Senate Bill(s) No(s). 1689, 1748, 1782, 1791, 1912, 1918, 1949, 1950, 2074, 2149, 2384, 2535, 2615, 2830 and 2834; also, Senate Joint Resolution(s) No(s). 260.

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**MESSAGE FROM THE SENATE  
March 3, 1994**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bill(s) No(s). 878; for the signature of the Speaker.

**CLYDE W. McCULLOUGH, JR., Chief Clerk.**

**ENGROSSED BILLS  
March 3, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 485, 489, 490 and 491.

**BETTY KAY FRANCIS, Chief Engrossing Clerk.**

**MESSAGE FROM THE SENATE  
March 3, 1994**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolution(s) No(s). 478; concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR., Chief Clerk.**

**MESSAGE FROM THE SENATE  
March 3, 1994**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 347; adopted for concurrence.

**CLYDE W. McCULLOUGH, JR., Chief Clerk.**

**\*Senate Joint Resolution No. 0347 -- Naming and Designating -- "Social Worker Month," March 1994. by \*Henry, \*Hamilton.**

**MESSAGE FROM THE SENATE  
March 3, 1994**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 351; adopted for concurrence.

**CLYDE W. McCULLOUGH, JR., Chief Clerk.**

**Senate Joint Resolution No. 0351 -- Memorials, Personal Occasion -- Maxine Christenberry Preas, eightieth birthday. by \*Crowe.**

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**MESSAGE FROM THE GOVERNOR  
March 3, 1994**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 440, 1949, 1976 and 2489; also, House Joint Resolution(s) No(s). 445, 446, 447, 464 and 467; with his approval.

DIANNE F. NEAL, Counsel to the Governor.

**MESSAGE FROM THE SENATE  
March 3, 1994**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1827 and 2283; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE  
March 3, 1994**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 451, 459, 460 and 470; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS  
March 3, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2001 and 2005.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS  
March 3, 1994**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 1712, 1851, 1946, 1950, 1963, 1972, 1977, 2191 and 2251; House Joint Resolution(s) No(s). 457, 469 and 482; also, House Resolution(s) No(s). 137.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**THURSDAY, MARCH 3, 1994 -- SEVENTIETH LEGISLATIVE DAY**

**SIGNED  
March 3, 1994**

The Speaker signed the following: House Bill(s) No(s). 1712, 1851, 1946, 1950, 1963, 1972, 1977, 2191 and 2251; House Joint Resolution(s) No(s). 457, 469 and 482; also, House Resolution(s) No(s). 137.

**BETTY KAY FRANCIS, Chief Engrossing Clerk.**

**SIGNED  
March 3, 1994**

The Speaker signed the following: Senate Bill(s) No(s). 878; also, Senate Joint Resolution(s) No(s). 317, 321, 322, 324 and 334.

**MESSAGE FROM THE SENATE  
March 3, 1994**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 349; for the signature of the Speaker.

**CLYDE W. McCULLOUGH, JR., Chief Clerk.**

**SIGNED  
March 3, 1994**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 349.

**ENGROSSED BILLS  
March 3, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1112, 2365, 2531 and 2532.

**BETTY KAY FRANCIS, Chief Engrossing Clerk.**

**MESSAGE FROM THE SENATE  
March 3, 1994**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolution(s) No(s). 477; concurred in by the Senate.

**CLYDE W. McCULLOUGH, JR., Chief Clerk.**

THURSDAY, MARCH 3, 1994 -- SEVENTIETH LEGISLATIVE DAY

**ENROLLED BILLS**

**March 3, 1994**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 1827 and 2283; House Joint Resolution(s) No(s). 451, 459, 460, 470, 477 and 478; also, House Resolution(s) No(s). 138.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**March 3, 1994**

The Speaker signed the following: House Bill(s) No(s). 1827 and 2283; House Joint Resolution(s) No(s). 451, 459, 460, 470, 477 and 478; also, House Resolution(s) No(s). 138.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**March 3, 1994**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 319 and 336; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Joint Resolution No. 0319 --** Memorials, Government Officials -- Urges encouragement of programs enabling family bonding and making visitation priority for correctional institutions. by \*Harper.

**Senate Joint Resolution No. 0336 --** Memorials, Academic Achievement -- Robert Brandon Helm, Salutatorian, Trousdale County High School. by \*Rochelle.

**MESSAGE FROM THE SENATE**

**March 3, 1994**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1903, 2036, 2038, 2162, 2544, 2545, 2783 and 2803; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 1903 --** Sunset Laws -- Recycling market advisory council, June 30, 1996. Amends TCA, Title 4, Ch. 29; Title 68, Ch. 211. by \*Haynes.

**\*Senate Bill No. 2036 --** Education, Higher -- Requires proportional representation by women on state board of education, Tennessee higher education commission, board of regents and UT board

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of trustees. Amends TCA 49-1-301, 49-7-204, 49-8-201, 49-9-202. by \*Kyle, \*Albright, \*O'Brien, \*Harper, \*Haynes, \*Crutchfield, \*Elsea, \*Hamilton, \*McNally, \*Cohen.

**\*Senate Bill No. 2038 -- Public Records --** Authorizes electric plants owned and operated by a local government in Shelby County to recover costs for distributing copies of public records having commercial value; electric plants owned and operated by Davidson County have authority under present law to recover such costs. Amends TCA 7-52-135. by \*Kyle.

**\*Senate Bill No. 2162 -- Banks and Financial Institutions --** Allows living trusts to be designated as beneficiary of payable-on-death account. Amends TCA 45-2-704. by \*Jordan.

**\*Senate Bill No. 2544 -- Utilities, Utility Districts --** Allows utility management review board to review water rate protests in all districts and counties; authorizes reimbursement of certain expenses incurred to certain utility district officials and employees. Amends TCA 7-82-309, 7-82-701, 702. by \*Albright.

**\*Senate Bill No. 2545 -- Courts, Municipal --** Authorizes home rule municipality to decrease number of divisions of city court. Amends TCA 16-17-101. by \*Albright.

**Senate Bill No. 2783 -- Public Funds and Financing --** Defines "advisory committee"; outlines funding board guidelines relative to Local Government Public Obligations Law. Amends TCA 9-21-151. by \*Henry.

**Senate Bill No. 2803 -- Surplus Property --** Allows surplus property to be sold after repair without prior approval of board of standards. Amends TCA 12-2-419. by \*Cooper, \*Crutchfield, \*Crowe, \*McKnight.

**ENGROSSED BILLS  
March 3, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2354.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**CONSENT CALENDAR  
March 3, 1994**

The following local bills have been placed on the Consent Calendar for Monday, March 7, 1994: House Bill(s) No(s). 2860, 2861, 2862, 2863 and 2865.

**ROLL CALL**

The roll call was taken with the following results:



Present . . . . . 95

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

On motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, March 7, 1994.